

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARINGS- January 14, 1970
February 18, 1970

Appeal No. 10235-37 American Oil Company, C.W. & A.L. England and
Lawrence C. Brown, et al, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of February 24, 1970.

EFFECTIVE DATE OF ORDER - May 4, 1970

ORDERED:

That the appeal for permission to rebuild and enlarge gasoline service station, variance from the rear yard requirements of the C-2-A District, variance from the provisions of Section 5101.41(a) and variance from the use provisions of the R-1-B District to permit same at 2710-12 Bladensburg Road and 3009 Franklin Street, NE., lots 9, 10, 801, 803, Square 4345, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located partially in an R-1-B District and partially in a C-2-A District.
2. Lots 9, 10, and 803 are zoned C-2-A. Lot 801 is zoned R-1-B. Lots 10 and 803, having a total area of approximately 5,000 square feet, are presently improved by a gasoline service station constructed about 1930.
3. Lot 9 to the south of the existing station is improved with a brick structure which is now vacant but which has previously been used for bacteriological laboratories. Lot 801 is improved with a vacant structure formerly devoted to residential use.
4. Appellant proposes to demolish the existing structures on all of the subject lots and to construct a new colonial-type service station.
5. In connection with the construction of the new service station, appellant has offered to the District of Columbia a portion of Lot 801 to be used as a vest pocket park. The area of the proposed park is approximately 2,000 square feet and would abut the next adjoining single-family dwelling to the west.
6. Because of the limited size of the subject site and its shape which limits the depth of the site, expansion or remodeling of the station is not possible.
7. The existing gasoline service station does not conform either to Zoning Regulations or the building code.

8. A Cost study submitted by an independent general contractor establishes that the total cost of repair or replacement of the structure on Lot 801 would be more than 75% of the limit specified in Section 7108 of the Zoning Regulations; and, consequently, the existing structure cannot be rebuilt as a matter of right.

9. Opposition to the granting of this appeal was registered at the public hearing.

10. This appeal was originally denied by the Board in executive session November 18, 1969, after public hearing November 12, 1969.

11. Reconsideration by the Board was based on a revised site plan showing a vest pocket park and on the withdrawal of opposition of the Northeast Neighborhood Council, Inc.

OPINION:

The Board is of the opinion that the granting of this appeal by the relocation and modernization of this gasoline service station will not create dangerous or other objectionable traffic conditions and that the station will be in harmony with the general purposes and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring and adjoining property.

This Order shall be subject to the following conditions:

- (a) That the rear of the building shall be constructed on the property line.
- (b) Appellant shall erect wing walls in the rear.
- (c) There shall be no windows in the rear.
- (d) Any lighting used to illuminate the gasoline service station shall be so arranged that all direct rays of light are to the area of the site.
- (e) No entrance or exit drive walls shall be closer than 25 feet to a street intersection as measured from the intersection of the curb lines extended.
- (f) All grease pits or hoists hereafter constructed or established as part of the gasoline service station shall be within a building.

OPINION Cont'd:

(Conditions)

- (g) The coping shall be located on the property line and the inside driveway radii shall not be located within the side-walk area.
- (h) Permit shall not issue until all conditions of this Order are met and complied with and further, the Board reserves the right to direct revocation of permit upon proper showing that any terms or conditions of this Order have been violated.


We further hold that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:


CHARLES E. MORGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.